

transformed with said polynucleotide, wherein the polynucleotide is characterized by deletion of amino acid residues (in said protein) which participate in the loop structure between  $\beta 2$  and  $\beta 3$ , or characterized with amino acid substitutions for maintaining the secondary or tertiary structures of  $\beta 2$  and  $\beta 3$ ; and

Group V: Claims 31-34, drawn to an isolated polynucleotide encoding the protein, and a process of producing the protein comprising the culturing a cell transformed with said polynucleotide, wherein the polynucleotide is characterized by mutations in the protein encoded by said polynucleotide, which is a substitution of any acidic amino acid residues which C $\alpha$  existing within 10 Å distance from C $\alpha$  of residue 103.

Applicants elect, with traverse, Group I, Claims 1-11, for further prosecution.

Applicants traverse the Restriction Requirement on the grounds that the claims of Groups III-V are narrower in scope than the claims of Group II and, as such, Group II would necessarily embrace the claims of Groups III-V.

Applicants further traverse the Restriction Requirement on the grounds that the Examiner has not made out a proper case to support restriction. The Examiner has merely stated its conclusions and has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:


If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, especially in view of the fact that Groups II-V are classified in the same subclasses.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Stephen G. Baxter, Ph.D.  
Registration No. 32,884

Vincent K. Shier, Ph.D.  
Registration No. 50,552

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/03)